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PATENT
S.N. 10/602,305
0796/67688

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wendelin J. Stark, et al.
Serial No. : 10/602,305
Filed : June 24, 2003
For : FLAME MADE METAL OXIDES
Group : 1754
Examiner : Timothy C. Vanoy
Confirmation No. : 8278

I hereby certify that this paper is being deposited this date with the U.S. Postal Service in first class mail addressed to Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450.

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February 3, 2006
Date
February 3, 2006

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RESPONSE TO REQUIREMENT FOR RESTRICTION
WITH TRAVERSE OF THE REQUIREMENT

Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Sir:

In response to the requirement for restriction made in the Office Action mailed January 5, 2006, Applicant hereby elects claims 1-19, drawn to a method for producing a metal oxide and metal oxides, for consideration on the merits in the present application. Applicant reserves the right to file one or more divisional applications directed to the subject

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matter of claims 20-27, if the requirement for restriction is not withdrawn. When the application is otherwise in condition for allowance, claims directed to the non-elected invention may, if required, be cancelled by Examiner's amendment.

The requirement for restriction is respectfully traversed on the grounds that restriction to one of multiple distinct inventions, while within the discretion of the Examiner, is not compulsory, and there are considerations arguing against requiring restriction in the present case.

First, prior art searches for claims 1-19 on the one hand and claims 20-27 on the other will be largely overlapping. As acknowledged in the Office Action, claims 1-19 are related to the remaining claims as combination and subcombinations. If the requirement for restriction is not withdrawn, then presumably two Examiners must search for the identical subject matter (or one Examiner must do so at different times that may be widely separated), thereby utilizing the resources of the PTO to less than maximum advantage.

Second, it is in the interest of the public to be able to determine from study of a single document the metes and bounds of the claimed invention, rather than having to examine two such documents.

Favorable action is respectfully requested.

Respectfully submitted,
COOPER & DUNHAM LLP



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